Attachment to Independent Case Review Report for CDRU # 195 Case File # 95-269475.

Material Examiner Malone (RO)

Remarks:

After research it has been determined that the National Law Enforcement Teletype Systems communication (NLET) dated November 22, 1985, of Examiner Malone (RO) is missing from the case file at the time of review by the Independent Scientist.

| INDEPENDENT CASE REVIEW REPORT | |
|---|--------|
| Independent Review conducted by: Cathaga L. Levine | . ' |
| Area(s) of Expertise: Haw + Fibou | |
| Review commenced at: 8:30 Am (Time), 5 / 18 / 99 (Date) | |
| File #: 95-269475 | |
| Laboratory #(s) 5 10230275 RQ 60224092 5 RI | |
| 51028064 5 RQ WM VJ RI 60218065 S RQ | |
| 511140145 RQ WM 61601001 - 5 - RQ | |
| Examiner(s) & Symbols | • |
| Reviewed Not Reviewed Reviewed Not Reviewed | |
| <u>wm</u> - × | |
| | |
| Materials Reviewed | |
| Trial testimony transcript(s) of: Michael P. Malone | |
| Testimony Date(s): No dek provided Pages: pg. 947- 1034_ | |
| Laboratory Report(s): | |
| Laboratory Number: 602/8045 S RQ Date: March 12, 1986 | |
| Laboratory Number: 602/8045 S RQ Date: March 12, 1986 Laboratory Number: 5/02 3027 S RQ 5/02/8064 S RQ Wm V 7 RT Date: March 31, 1986 | |
| Laboratory Number: 60922049 S RQ KI Date: October 21,1984 | |
| Examiner Bench Notes of: Technique + Agest Malow A 150 X-Ref | erence |
| Laboratory Number: 603/8065 Coxel 6/00/00 | y skyr |
| Laboratory Number: 5102-3027 | |
| Laboratory Number: 60922049 | , |
| x Ref. LAB#61001001 | . ' |
| Pageof | |
| Initials: <u>Cll</u> | |

| Was any other material reviewed? ✓ Yes □ No |
|--|
| If yes, please identify and/or describe the material: lolks ditch 2/10/86 from Texas Dept. of |
| Public Sofety, Idle dit 11/5/85frm letter ditch 10/23/85 |
| from byles dotal 10/21/85 from letter dots |
| gans restriction of the same o |
| 9/17/86 FRM RE CLOS |
| Results of Review |
| File #: 95-269475 Item of Specimen # Reviewed: Exac class · Q1-Q63, |
| Q165, Q68-075, Q74-Q84, Q88, Q90-97, KI, K2, K5-K13, Q129, Q130 |
| Q'65, Q68-Q75, Q76-Q84, Q88; Q90-97, K1, K2, K5-K13, Q129, Q130 K21-K32 Celefornes Case - Q4 Review of Laboratory Report(s) and Bench Notes: |
| Note: Numbered comments are required below or on additional pages for any "No" or "Unable to Determine" Responses |
| |
| Did the examiner perform the appropriate tests in a scientifically acceptable manner, based on the methods, protocols, and analytic techniques available at the time of the original examination(s)? UYes No Unable to Determine |
| 2) Are the examination results set forth in the laboratory report(s) supported and adequately documented in the bench notes? |
| Review of Testimony: |
| Note: Numbered comments are required below or on |
| additional pages for any "No" or "Unable to Determine" Responses |
| Transcript not available See navative - Additional Comments. |
| 3) Testimony consistent with the laboratory report(s)? |
| s) rounds, someone and |
| To said of the sai |
| 5) Testimony within bounds of examiner's expertise? |
| |
| |

- b6 b7C

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Comments (Set forth by above question #, if applicable. Use "Additional Comments" Sheet, if needed)

| 1) the microspecterphotomer data Regarding the yellow acrylics |
|---|
| is not acceptable. There is a slight difference observed in the Q60 |
| Somplets) that is not seen in the other gibers-Q9-13 + Q22+Q21. |
| While this could be insigniffice due to debuson surfice) there is |
| no way of dekemining this from the specter. It is also possible |
| that it muy be a true or Longrificant difference Relating to |
| due abonotion of this fiber. Since QUO is the control yellow |
| aline and since its spectrus different from the others. |
| the comparism is questimable. (See CLL notes pg. 2 in specifics) |
| In aldring to differences in Q40 spectra there are many smill |
| perks or spikes which my be due to electrical carrent cont next pro |
| |
| Review completed at: 5:30 (Time), 5 1/9/99 (Date) |
| Total time spent conducting review (to nearest 1/4 hour): 16 hrs. |

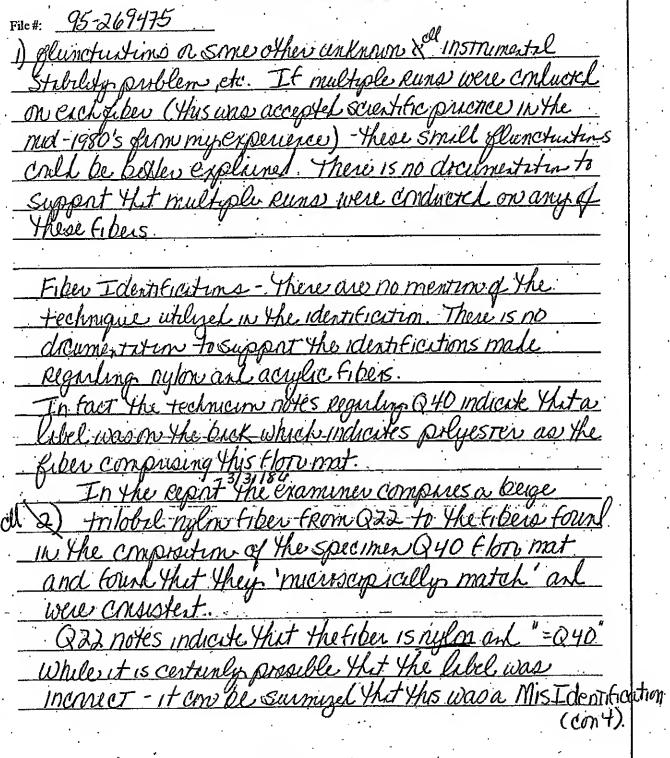
I hereby certify that I conducted this review in an independent, unbiased manner and that the results of my review are fully documented on this report consisting of a total of 26 pages.

8 pages - peerkeview from + 18 pages CLL notes

Why Levine 5/19/99

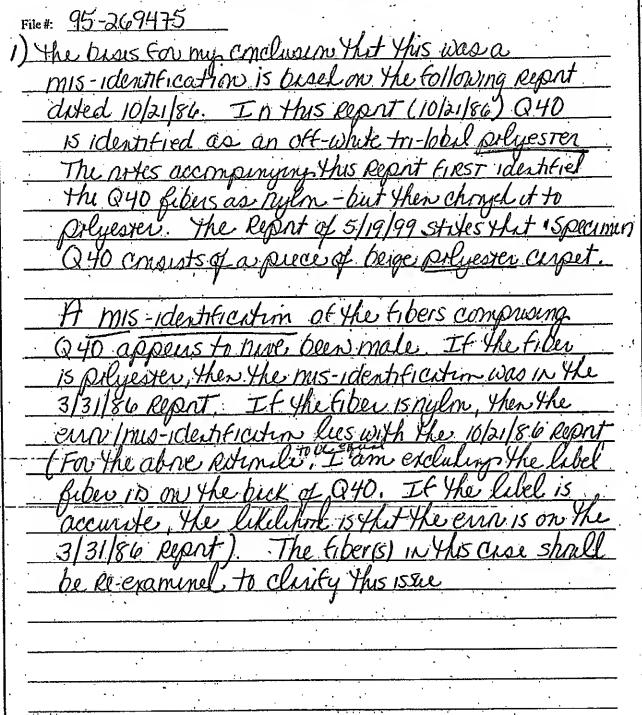
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Additional Comments (Set forth by question #, if applicable)



Initials: _Cll

Additional Comments (Set forth by question #, if applicable)



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Additional Comments (Set forth by question #, if applicable)

File#: 95-269475 Documentation is inaliquite for both hun examinations and Fiber examinations /comparisons. Have notes of Agest Malne ast the type Chiracteristics observed - some connet be interpret rum in tation on hairs from Osnices. is not clew Regarding Some of the how chur found in 13 Hens but notes pevere only I blond hun IN all those Hema. Report should have sont nd and hummhins. This is not a signit public Report Stakes 'Same individual maissespic Churchenstics in anclusion Rejarding Company huss. The use of the term Kith Herms NOT DE USEO

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Additional Comments (Set forth by question #, if applicable)

| File#: 95-269475 |
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| Nasative regarding Testiminy: |
| - The question to ask is "Is The Testimony Accurate"? |
| instruces of maccuicus |
| A) Testiming given that manspecterphtmetry is |
| a 'spectful fingerprint' which determines 'what |
| Kenlof due 18 in that fiber and mens they have |
| He smedye! All 3 are incarect. |
| TESTIMMY 15 Over- Statel as to specificity |
| of monspectrophtmetry. |
| B) TESTIMAY CREETLY STIKES IL + haw is not a fingerprint |
| Dut Hen Continues in the some purpose about its unqueness - Also pited is the statement that only on a occasions hap |
| The Found Sim Our here in the 10.07 Dobble he has examined |
| The 15T Stolement Reguling unqueness of him is without scientice |
| 3) Testimony is given in this case Regardy the forcible |
| Remort of Kurs - This is not inticated in Lab-Report |
| - Notes do document that theirs were freibly |
| Remore but sme of the descriptions in () are |
| un interpretable. Therefore this periewer cannot |
| Reich the some anclusion bisel on this downentition - |
| - the file does not contain adequate scientific decumentation |
| to support his conclusion |
| The use of the at least 15 Chracter STICS is neeled toward |
| hur Compiner. In my openin this katimony would NOT be |
| of hun fiber examiners. |
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| |

Additional Comments (Set forth by question #, if applicable)

| File#: 95-26947-5 |
|---|
| |
| 4) Pg. 1005 of Trial Transcript - examiner STates that |
| I processed them and took the hurs off. |
| again ou pr. 932 examiner stites 'I pennel |
| (hurs and fibers) from Hems Reported |
| Agent Malow dres not accurately state that |
| a technicin proessel those Hers. |
| Testimony is therefore maccurite and certainly |
| MT Consistent with the banch notes. |
| The examiner gives testing that he needs at least |
| 15 churcherestics in aleuto compriso a how but in any |
| instances his documentation on the churchusher of Khins |
| ist lists a miximum of 6 (six). |
| 7 965 |
| 5) The examiner apparently from the tralks timing Righty |
| The nucrospect Rephtmeter dres not understand this |
| Instrument - its Invitins and for its inability to |
| identify specific dues. |
| The testing does not support that he understands |
| this instrument. |
| |
| For further information - see 18 pages of notes (CLL-notes |
| For further information - see 18 pages of notes (CLI-notes Regulary issues in this case |
| |
| Page g of g |
| Initials: cll |